



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

FEB 20 2002

Mr. John Ghio  
W.M. Barr & Company Inc.  
P.O. Box 1879  
Memphis, Tennessee 38101

Ref. No. 01-0268

Dear Mr. Ghio:

This responds to your letter regarding the classification of kerosene, having a flash point of 105°F, in a five gallon can (UN 1A1/Y1.2/100), that is transported by vessel to Alaska in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). As provided in § 173.120(b), a flammable liquid with a flash point at or above 38°C (100°F) that does not meet the definition of any other hazard class, may be reclassified as a combustible liquid.

You did not provide specifics on whether other means of transporting non-bulk packagings of kerosene to Alaska are practicable. Although our letter of December 27, 2000, enclosed with your letter, specifically addressed the definition of the term "impracticable" as used in § 175.85, we also apply that definition to the term "impracticable" as used in § 173.150(f)(1). Specifically, "impracticable" means that transportation is not physically possible, or cannot be performed by routine and frequent means of other transportation due to extenuating circumstances. Extenuating circumstances include conditions that preclude highway transportation, such as road closures due to catastrophic weather or volcanic activity, or a declared state of emergency. If routine and frequent highway shipments of kerosene are possible, it must be classed as a flammable liquid when shipped and transported by vessel.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



010268

173.150

**WMBARR**  
An Employee-Owned Company

W.M. BARR & COMPANY INC.  
P.O. Box 1879  
Memphis, Tennessee 38101  
Phone (901) 775-0100

Engram  
§173.150  
Classification

Mr. Edward Mazzullo  
DOT Research and Special Programs  
Washington, D.C.

Dear Mr. Mazzullo:

Please clarify the classification of the following material.

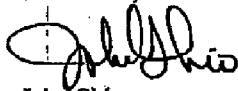
5 gallon can (UN 1A1/Y1.2/100) of Kerosene with a flash point of 105°F. This product is being shipped by vessel to Alaska.

W.M. Barr is classifying the Kerosene as a combustible liquid under 173.150 (f) (1) and presently we are not marking, labeling, placarding and describing the product as hazardous on the bill of lading.

The fax from your office dated 9/27/2001 is enclosed, as we tried to classify this product.

What is the correct classification for our product?

Thank You,



John Ghio  
W.M. Barr & Co.

10/12/01

MANUFACTURING LOCATIONS  
Memphis, Tennessee  
Ontario, California

